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1. PURPOSE/GENERAL INFORMATION

- A. Under the direction of the Police Chief, it is the Department's intent to administer discipline for both sworn and civilian employees in accordance with City and Department policies in a manner which is fair, impartial, and consistent to all employees.
- Any violation of City or Department policy, whether the employee is on duty, off duty, or off-duty (working off duty in a police capacity), may result in discipline.
- B. Discipline and/or coaching/supervisor initiated training is intended to correct inappropriate behavior or policy violations that have a negative impact on providing services to the community and/or police operations.
- If an employee is to receive discipline of a written reprimand, suspension, demotion, or termination, as defined in this order and Addendum A of this order, a supervisory investigation/citizen complaint investigation must be completed.
 - Investigation procedures outlined in [Operations Order 2.2.00, Misconduct Investigations](#), and the employee association's Memorandum of Understanding (MOU)/ Memorandum of Agreement (MOA), **will be** followed.
 - Only sustained violations will be considered for discipline.
 - An investigation **is not** required when a coaching/supervisor initiated training or supervisory counseling is conducted/issued to improve performance.
- C. Repeated violations of policy may result in discipline.
- D. In the case of a performance issue/minor policy violation where the employee does not have any previous performance issues/minor policy violations during the same performance rating year, documentation in the employee's Performance Management Guide (PMG) and/or coaching/supervisor initiated training may be offered by the employee's chain of command to prevent future violations of the same policy/procedure.
- The employee's supervisor will document the performance issue/minor policy violation and corrective action implemented in the supervisor notes.
 - The employee **will be** provided a copy of the supervisor notes on a monthly basis for review and signature as a receipt.
 - Following approval by the commander/administrator to issue coaching/supervisor initiated training rather than discipline; the affected employee will be notified of the deviation.
 - If a performance issue/minor policy violation is documented in the employee's PMG, the employee will be given specific goals to improve their performance.
 - If goals are not met, the employee will be subject to the unscheduled PMG process.
 - Repeat 'Not Met' performance which has been documented in the employee's PMG may result in discipline.

2. DEFINITIONS/GENERAL GUIDELINES - Repeat violations are subject to progressive discipline (see Progressive Discipline Table in section 4 of this order)

A. Minor Policy Violations	- Acts not involving repeat offenses or a reckless disregard for policy - May be deemed as a performance issue - Possible corrective action: * Coaching/supervisor initiated training * Documentation on the employee's PMG * Supervisory counseling
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2. **DEFINITIONS/GENERAL GUIDELINES** - Repeat violations are subject to progressive discipline (see Progressive Discipline Table in section 4 of this order) (Continued)

B. Coaching	- A type of “non-disciplinary” counseling designed to help the employee gain greater competence and confidence - Assists in overcoming barriers to improve employee performance - Used in situations where the employee needs skill development, desires to improve job performance, is not working up to standards, behavior change is needed, and/or desires career advancement
C. Supervisory Counseling	- A type of “non-disciplinary” counseling conducted in a face-to-face meeting between the supervisor and the employee EXCEPTION: Per Unit 4’s [Phoenix Law Enforcement Association (PLEA)] MOU, a supervisory counseling <u>is</u> formal discipline. - Will be documented on a Supervisory Counseling Form 80-582D which will be signed/dated by the employee to ensure the employee understands the purpose of the counseling and documentation - Must be signed by the employee within two (2) weeks of being advised the supervisory counseling has been issued - Does not require the issuance of an Notice of Violation (NOI) or the completion of an investigation - Must be included in a Unit 4 employee’s Department personnel file - May also be documented in the employee’s performance evaluation and in sustained misconduct investigations, in accordance with the MOU/MOAs
D. Written Reprimand Violations	- Acts involving repeat offenses or a disregard for policy - Listed in Addendum A of this order - Possible discipline: * Written reprimand * Eight (8) or 24 hour suspension
E. Written Reprimand Form 14-8D	- Disciplinary documentation detailing a policy violation which requires the authorization of a bureau/precinct commander/administrator - Must be reviewed and signed by the employee and a copy given to the employee - Requires the issuance of an NOI and the completion of an internal investigation - Must be included in the employee’s Department personnel file - Information detailed in a Written Reprimand form may be documented in the current performance evaluation year. - If within three (3) years of the date of NOI, information in a Written Reprimand form will be documented in sustained misconduct investigations.
F. Suspension	- A mandatory temporary leave from work without pay from eight (8) to 240 hours - Will be authored by the City Human Resources Department
G. Class I Violations	- Acts involving an increased disregard for policy - Will be referred to the Police Chief - Listed in Addendum A of this order - Possible discipline: * Eight (8) or 24 hour suspension
H. Class II Violations	- Acts adversely affecting Department operations or involve egregious unprofessional behavior - Will be referred to the Police Chief or Discipline Review Board (DRB) - Listed in Addendum A of this order - Possible discipline: * 24 or 40 hour suspension * Demotion
I. Class III Violations	- Acts so serious and malicious in nature, they may require immediate intervention by the Police Chief (or designee) with the immediate removal of all employee responsibilities - May be subject to a Loudermill Hearing or referred to the DRB - Listed in Addendum A of this order

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2. **DEFINITIONS/GENERAL GUIDELINES** - Repeat violations are subject to progressive discipline (see Progressive Discipline Table in section 4 of this order) (Continued)

I. Class III Violations (Continued)	- Possible discipline: * 40, 80, or 240 hour suspension * Demotion * Termination
J. Demotion	The removal of an employee from a position in a higher pay class to a position in a lower class for which the maximum rate of pay is lower.
K. Termination	- A mandatory dismissal from employment - When an employee is terminated, the employee will receive: * A statement citing the reason for termination * A statement of the effective date of the termination * A statement of the status of fringe and retirement benefits after termination * A statement regarding the content of the employee's employment record relating to the termination
L. Loudermill Hearing	- Determination of employment status by the Police Chief (or designee) without an Investigative Review Process (IRP) or referral to the DRB - Probationary provisions are outline in Personnel Rule (PR) 10, Probation.
M. Classification Guidance Criteria	Unprofessional conduct violations not listed in Addendum A of this order
NOTE: See the current MOU/MOA for more information	

3. **OFFENSES THAT MAY RESULT IN DISCIPLINARY ACTION**

- A. Any violation of policy, on duty, off duty, or off-duty, may result in discipline, regardless of whether or not the violation is specifically listed in the [Policy Violations Index](#).
- B. Employees may recommend, by memorandum through their chain of command to the Police Chief, a new category be created and rated into Written Reprimand Violations, Class I Violations, Class II Violations, and Class III Violations, as outlined in Addendum A of this order.
- The memorandum will be authored in accordance with [Operations Order 3.8.00, Written Directives](#).

4. **PROGRESSIVE DISCIPLINE**

- A. Progressive discipline is a process of review and consideration of the employee's history of discipline as a factor for a recommendation of discipline on new sustained policy violations.
- B. With commander approval, the following criteria will be used when the chain of command utilizes progressive discipline:
- (1) An employee who has received a non-disciplinary coaching/supervisory initiated training for a minor policy violation and either repeats the same minor policy violation or is found to be in violation of other minor policy violation/s within the time limits, is subject to either a supervisory counseling or written reprimand.
 - (2) An employee who has received a supervisory counseling for a minor policy violation and either repeats the same minor policy violation or is found to be in violation of another minor policy violation within the time limits, is subject to either a second supervisory counseling or written reprimand.
 - (3) An employee who has received a written reprimand and is found to be in violation of a minor policy violation (supervisory counseling designation) within the time limits, is subject to either a supervisory counseling or second written reprimand.



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4. B. (4) An employee who has received a written reprimand and either repeats the same minor policy violation or is found to be in violation of another policy violation (written reprimand designation) within the time limits, is subject to either a written reprimand or being referred to the Police Chief for an eight (8) or 24 hour suspension.
- (5) An employee who has received a suspension and is found to be in violation of a minor policy violation (supervisory counseling designation) within the time limits, is subject to either a supervisory counseling or written reprimand.
- (6) An employee who has received a suspension and is found to be in violation of another policy violation (written reprimand designation) within the time limits, is subject to either a written reprimand or being referred to the Police Chief for an eight (8) or 24 hour suspension.
- (7) An employee who has received a suspension and is found to be in violation of a Class I or Class II violation listed within the [Policy Violations Index](#) within the last five (5) years from the date of NOI, will be referred to the Police Chief or DRB for a possible demotion and/or a 24, 40, 80, or 240 hour suspension, or termination or will be referred to the Police Chief (or designee) for a Loudermill Hearing.
- (8) An employee who has two suspensions and is found to be in violation of a Class I, Class II, or Class III policy violation listed within Addendum A of this order within the last five (5) years from the date of NOI, will be referred to the Police Chief or DRB for a possible demotion and/or a 40, 80, or 240 hour suspension, or termination or will be referred to the Police Chief (or designee) for a Loudermill Hearing.
- C. Progressive Discipline Table - Time periods for progressive discipline are based on the date of the NOI.

If Corrective Action/Discipline Would Be:	Corrective Action/Discipline May Become:
Second coaching within 12 month period	- Supervisory counseling - Written reprimand
Second supervisory counseling within a 12 month period	- Supervisory counseling - Written reprimand
Supervisory counseling when the employee already has a written reprimand (within a (3) year period)	- Supervisory counseling - Written reprimand
Second written reprimand within a three (3) year period	- Written reprimand - Police Chief suspension (eight (8) or 24 hours)
Supervisory counseling when the employee already has a suspension (within a five (5) year period)	- Supervisory counseling - Written reprimand
Written reprimand when the employee already has a suspension (within a five (5) year period)	- Written reprimand - Police Chief suspension (eight (8) or 24 hours)
Second suspension within a five (5) year period	- Police Chief or DRB suspension (24, 40, 80, or 240 hours) - Demotion - Termination - Loudermill Hearing
Third suspension within a five (5) year period	- Police Chief or DRB suspension (40, 80, or 240 hours) - Demotion - Termination - Loudermill Hearing

5. DISCIPLINE PROCESS OVERVIEW - INVESTIGATING SUPERVISOR'S RESPONSIBILITY

A. Process	- Establish the identity of a minor policy violation, written reprimand violation, or an allegation of a Class I, Class II, or Class III violation - If the alleged violation is considered a Class I, Class II, or Class III violation as defined in Addendum A of this order, immediately contact the Professional Standards Bureau (PSB) to commence an internal investigation. - Research employee's prior discipline (if applicable) and work history: * See the Progressive Discipline Table in section 4 of this order - Complete the Investigative Review Control (IRC) Form 80-58DD - Prepare final recommendation - Submit to commander/administrator for review and recommendation - Prepare final documentation on appropriate form
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6. DISCIPLINE OVERVIEW

A. If a supervisory-initiated investigation or citizen complaint investigation has been completed and an allegation of misconduct is sustained, supervisors will refer to the [Policy Violations Index](#) to determine proper recommendations for discipline.

- (1) Repeated sustained policy violations may be referred to the DRB if lesser means of discipline have not improved performance or corrected the behavior.
- (2) For employees responsible for Performance Achievement Plans (PAPs), the Police Chief is the final authority on determining discipline.
- (3) Depending on the seriousness of the sustained violation of policy or the continued repeat violations of policy, in consultation with the Police Chief, a Loudermill Hearing may be recommended.
- (4) The most serious violation among the sustained violations will be designated the primary violation.
- (5) Other sustained violation/s will be considered aggravating circumstances.

B. Placement Recommendations Based on Addendum A of this Order

- (1) When the investigation process is complete [investigation is presented to the employee to prepare for the Investigative Review Process (IRP)], the investigating supervisor will research the employee's discipline history within the following time restrictions calculated from the date that the employee received the discipline.
 - If the investigation is conducted by PSB, the chain of command will complete the work history (see [Operations Order 2.2.00](#) for information regarding work history).
- (2) Coaching/supervisor initiated training/discipline outside the time restrictions will not be considered, see the table below for time restrictions:

(a) Supervisory Counseling	• One (1) year
(b) Written Reprimand	• Three (3) years
(c) All Suspensions	• Five (5) years
(d) Demotion	• Five (5) years

NOTE: Employees may request a modification of time restrictions (for compounding purposes) by submitting a memorandum through their chain of command to the Police Chief.

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6. B. (3) The investigator will use the most serious of the current sustained violation/s as the primary violation within Addendum A of this order, with additional sustained violation/s listed.

7. **PROCESS TO RECOMMEND DISCIPLINE OR NON-DISCIPLINE COACHING/SUPERVISOR INITIATED TRAINING**

A. Minor policy violations may be treated as non-disciplinary performance issues.

- (1) In addition to coaching, supervisors may recommend remedial training as part of the non-disciplinary process.
- (2) Supervisors will document the coaching/supervisor initiated training within their supervisor notes and will provide a monthly copy to the employee for review and signature.

B. Employees who are found to have multiple minor policy violations and have received coaching/supervisor initiated training within the same performance evaluation year, may be subject to a supervisory counseling or written reprimand.

- The employees' chain of command will take into consideration both aggravating and mitigating factors prior to the issuance of a written reprimand.

C. Employees who are found to have sustained Class I, Class II, or Class III violations will be referred to the Police Chief or DRB as outlined within Addendum A of this order.

D. Mitigating and Aggravating Factors

- During the DRB review process, mitigating and aggravating factors will be considered.

E. Chain of Command Final Recommendations - After the internal investigation and prior discipline or non-disciplinary history processes are completed, and it is determined discipline is appropriate, the employee's chain of command will determine the course of action (see the Progressive Discipline Table in Addendum A of this order for more information).

- (1) If **extreme mitigating or aggravating factors exist** relative to the policy violation and/or the employee has a prior Class I or Class II violation, the commander/administrator may request to deviate from the standard recommended level of disciplinary action in Addendum A of this order upon approval of the Police Chief.

- (a) A memorandum will be written and forwarded through the chain of command to the Police Chief.
- (b) The affected employee will be provided a copy of the memorandum.
- (c) The Police Chief may request the commander/administrator and/or the employee (with association representation if desired by the employee) attend a meeting to discuss the deviation request.

- (2) When an employee's sustained violation of policy is considered to be a Class III violation or a repeat of any Class I or Class II violation and the employee has received a suspension within the last five (5) years, the employee's chain of command may recommend to the Police Chief that a Loudermill Hearing be scheduled.

- (a) If the option is a Loudermill Hearing, the involved employee will be given notice at least five (5) working days prior to the hearing and will be provided with a copy of all supporting documentation.
 - Employees should be advised to contact the City Human Resources Department in order to make arrangements for benefits.

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7. E. (2) (b) The involved employee and a representative (if the employee requests) may attend the Loudermill Hearing.

NOTE: If a Loudermill Hearing is conducted, an IRP **will not** be conducted.

F. Consideration by the DRB

- (1) Investigations with sustained violations which meet the criteria for a suspension, demotion, or termination will be forwarded through the employee's division chain of command to the DRB.

EXCEPTION:

- (a) A DRB is not required for a probationary employee who does not possess Civil Service appeal rights or an employee in a non-classified position, exceptions may be granted by the Police Chief or designee.
 - (b) Based upon a recommendation and approval of the Police Chief, a Loudermill Hearing will be conducted by the Police Chief or designee in lieu of a DRB in cases where the conduct of the employee is egregious in nature, or based on job performance.
- (2) Based upon the employee's chain of command's recommended level of discipline shown within [Policy Violations Index](#) the DRB will consider a 40, 80, or 240 hour suspension and/or demotion, or termination.
- If articulable facts that may mitigate the discipline have been presented to the DRB by the employee or the employee's representative, the DRB chairperson will make a recommendation within the range of the sustained classification.
- (3) During the DRB executive session, board members will weigh mitigating and aggravating factors to determine the final discipline.
- (4) The employee's commander/administrator may address the DRB and make a recommendation to the board for a level of discipline.
- (5) The chairperson of the DRB will make a recommendation to the Police Chief, and mitigating factors may be provided for consideration in determining final level of discipline.
- (6) Once an employee receives discipline for an allegation, they will not receive any additional discipline for the same specific allegation and/or incident of misconduct.
- (7) The Police Chief is the final authority on discipline.

G. Serving a Suspension - Suspension time should begin within 30 days of the date of discipline as determined by the supervisor/operational need.

- (1) [Unit 4 employees \(PLEA\)](#) may exchange up to 40 hours of vacation or compensatory time while serving a suspension; however, when this benefit is elected, the employee must report for duty during the exchange hours.
- (2) Unit 6 employees [\[Phoenix Police Sergeants and Lieutenants Association \(PPSLA\)\]](#) may exchange up to 30 hours of vacation time while serving a suspension; however, when this benefit is elected, the employee must report for duty during the exchange hours.
- (3) Employees who receive a suspension of 40 hours or less will serve the suspension on consecutive days.

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7. G. (4) Employees who receive a suspension of 40 hours or more must serve a minimum of 40 hours per pay period until the suspension is completed.

8. **TYPES OF REVIEW BOARDS**

A. Driving Analysis Committee (DAC)	Objectively reviews police equipment accidents, pursuits, and other employee driving incidents to determine if the action was in or out of policy and to recommend corrective action
B. Discipline Policy Committee	- Reviews classes of discipline as needed - Makes recommendations to the Police Chief
C. Disciplinary Review Board (DRB)	- Reviews all disciplinary reports that have been reviewed by an assistant chief that may lead to a suspension, demotion, or termination; probationary employees, non-classified employees, or violations in Addendum A of this order which are designated as termination - Reviews all disciplinary reports that have been reviewed by an assistant chief that may result in either a suspension up to and including termination - Unless directed by the Police Chief, the DRB will not review an investigation that requires termination for the purposes of recommending discipline. - Reviews all use of force incidents found to be out of policy by the Critical Incident Review Board - Make recommendations to the Police Chief regarding the degree and severity of disciplinary action to be taken - Will not review matters involving employees responsible for a PAP
D. Critical Incident Review Board	- Conducts timely reviews into employee and Fire arson investigator involved shootings and other use of force incidents - Examines all related support documentation surrounding employee and Fire arson investigator involved shootings and other use of force incidents to determine if the incident was consistent with established Department/Fire Department policy - Examines all related policies and procedures governing the administrative handling of employee and Fire arson investigator involved shootings and other use of force incidents - Responsible for making recommendations for change necessary for maintaining Department/Fire Department policy accountability, control and integrity, or training methods

9. **SELECTION OF REVIEW BOARD/COMMITTEE MEMBERS**

A. Review Board Members

TYPE OF BOARD	SWORN EMPLOYEES	CIVILIAN EMPLOYEES
(1) Driving Analysis Committee (DAC)	- Traffic Bureau commander - chairperson - Tactical Support Bureau (TSB) commander - One (1) rotating precinct/bureau commander - Driver training supervisor or designee - Two (2) Traffic Bureau lieutenants (one (1) from the Traffic Unit and one (1) from the Vehicular Crimes Unit) - One (1) Vehicular Crimes Unit (VCU) supervisor - Representatives from each employee association [PLEA, PPSLA, American Federation of State, County, and Municipal Employees (AFSCME), and Administrative, Supervisory Professional and Technical Employee Association (ASPTEA)]	Same as for sworn employees
(2) Discipline Policy Committee	- Police Chief - chairperson - PSB commander - Representative from City Human Resources - Representative from each employee association (PLEA, PPSLA, AFSCME, and ASPTEA)	Same as for sworn employees

9. A. Review Board Members (Continued)

TYPE OF BOARD	SWORN EMPLOYEES	CIVILIAN EMPLOYEES
(3) Disciplinary Review Board (DRB)	- One (1) assistant chief - chairperson - Two (2) commanders - Three (3) employee peers - Three (3) Phoenix citizens	- One (1) assistant chief - chairperson* - One (1) civilian administrator - One (1) commander - Two (2) employee peers - Two (2) Phoenix citizens
(4) Critical Incident Review Board	- One (1) executive staff member (assistant chief or director appointed chair by the Police Chief) - One (1) commander for employees or one (1) deputy chief for Fire arson investigators - One (1) employee peer - Three (3) Phoenix citizens	Same as for sworn employees
NOTE: *Permanent members		

B. Guidelines for Selection of Board Members

(1) General Guidelines

- Members of each board will be selected on a rotating basis, except for the permanent members.
- Individuals in the affected employee's chain of command will not be selected to participate in the review board.
- The employee peer/s selected to serve on the board cannot be currently assigned to the affected employee's bureau/precinct.
- The Police Chief may participate in the inquiry and examination of any person appearing before the Critical Incident Review Board.

(2) Specific Guidelines for the Critical Incident Review Board

- Alternates - The other assistant chiefs are alternate members of the Critical Incident Review Board and will be invited to participate on boards when the Police Chief is not available or a conflict of interest exists.

(b) Advisory Members

(i) Training Bureau Firearms Training Supervisor	Serves in an advisory capacity to the board when the incident involves the discharge of a firearm
(ii) Training Bureau Non-Lethal Force Supervisor	Serves in an advisory capacity to the board in selected use of force incidents
(iii) Legal Unit Attorney	- Shall serve with the board to provide legal assistance and advise - May participate in the inquiry, however, is not a member of the board

- Specialized Assistance - The assistant chief who chairs the board may request the presence of additional Department personnel if specialized or technical expertise is required.

10. ADMINISTRATION OF REVIEW BOARDS

- Notification of Involved Employee/s - The employee/s or Fire arson investigator involved in an incident to be brought before a review board will be notified of the board in writing at least 10 calendar days prior to the meeting.



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10. A. (1) DRB - The notification will contain:

- Date and time of the board
- Violation/s
- Basis of each violation that has been sustained
- Name of board members and any board member substitutions
- Investigation number

(2) Critical Incident Review Board - The notification will contain:

- Date and time of the board
- Type of incident such as a shooting, animal dispatch, or accidental discharge
- Name of board members and any board member substitutions
- Investigation number

B. Board Recommendations

(1) All Boards - After reviewing an incident, the appropriate review board will make a recommendation and submit it to the appropriate Police Chief or Fire Chief.

(a) Such recommendations are advisory only.

(b) Recommendations of the board will be included in the permanent record of the disciplinary report.

11. SPECIFIC GUIDELINES FOR REVIEW BOARDS

A. DRB

(1) Incidents for Review

(a) All employee use of force incidents found to be out of policy by the Critical Incident Review Board.

(b) All other disciplinary reports involving:

- Criminal acts (for which the employee has been found guilty or has entered into a plea agreement)
- Violations of law
- Violations of the rules and regulations of the Department that are classified as a suspension, demotion, or termination

(2) Incidents That May Bypass the DRB - Cases involving serious violations of the law or rules and regulations of the Department to the extent that the employee could be immediately terminated from employment may bypass the board and be referred to the Police Chief or designee for action through the chain of command.

(3) Employees Appearing Before the DRB

(a) Employees and their unit representative shall have the right to appear before the Department DRB when disciplinary matters involving the employee are brought before the board.

(b) The purpose of such an appearance is to give employees an opportunity to respond to any sustained assertions made against them.

(c) Employees may submit relevant written material in support of their position.



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11. A. (3) (d) Any appearance before the board during employees' regular work shift shall be counted as time worked.

(e) Employees are not eligible for overtime pay when appearing before the board during other than regular work shift hours.

(4) Meeting With Supervisors Prior to the DRB

(a) Employees may meet with their immediate supervisor and second level supervisor or the bureau/precinct commander/administrator to discuss the matter being reviewed by the board.

- Employees may be accompanied by an employee association/unit representative.

(b) If the immediate supervisor conducted the investigation, employees may meet with the next supervisor in their chain of command

- Such a request shall be made in writing to the immediate supervisor.
- An employee association/unit representative may accompany the employee to the meeting.

(5) Employee Association/Unit Representative

(a) Employees and their employee association/unit representative may be present in the board hearing room to passively observe all presentations made to the board and to be present for all responses made to questions by board members.

(b) If the employee desires, employee association/unit representatives are permitted to present information on the employee's behalf.

(c) All non-board members will be excluded from the boardroom during deliberations.

B. Critical Incident Review Board

(1) The Police Chief may direct the review by the Critical Incident Review Board (CIRB) or CIRB Chair Review of any use of force incident involving an employee or agent of the Department regardless of the specific circumstances.

(2) Incidents for Review - The board is specifically empowered to conduct reviews of the following employee/Fire arson investigator involved use of force incidents:

(a) Class I	<u>Any</u> unintentional discharge of a weapon without injury, which includes but is not limited to, firearms training, practice, or general handling of the weapon
(b) Class II	Any intentional shooting or attempted shooting of an object or animal, whether or not such object or animal is actually struck
(c) Class III	Any intentional or unintentional incident in which any of the following conditions occurred: • Any time a person is injured or killed by an employee's/Fire arson investigator's firearm discharge • Any time an attempt is made to injure a person by discharging a firearm • Any time serious injury is inflicted upon a person by an employee/Fire arson investigator by means other than a firearm (excludes vehicular accidents) • Any time a person dies while in the custody of an employee/Fire arson investigator
(d) Class IV	• <u>Any</u> intentional use of a City vehicle against a person on foot or in another vehicle



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11. B. (3) The CIRB chairperson will review all Class I, II, and IV incidents involving vehicles before the board convenes to determine the necessity for a board review of the incident.
- If the chair determines a review is necessary, the review procedure will be used.
 - If the chairperson determines a Critical Incident Review Board is not necessary, a memorandum with recommendations will be forwarded to the appropriate Police Chief or Fire Chief for approval.
 - For Department employees, the employee's chain of command will be notified of the results and appropriate action will be taken.
- (4) All Class III incidents will automatically be reviewed by the CIRB.
- (5) Taser® Energy Weapon (TEWs) - The use of force reports involving a TEW will be forwarded through the chain of command to the involved officer's assistant chief for review.
- At the discretion of the assistant chief, the incident report may be forwarded to the CIRB chairperson for additional review.
- (6) Employees/Fire Arson Investigators Appearing Before the Critical Incident Review Board
- (a) Department employees and Fire arson investigators shall be subject to call before the CIRB.
- (b) The employee/s or Fire arson investigator involved in the use of force incident **will be** required to appear before the board.
- The purpose of such an appearance will be to give the involved employee/s or Fire arson investigator the opportunity to relate the circumstances and decision process in the use of force incident and respond to board questions.
 - The employee's or Fire arson investigator's immediate supervisor (at the time of the incident) will accompany the employee/Fire arson investigator to the review board.
- (c) Unit Representation - A unit representative may accompany an employee/Fire arson investigator to the CIRB.
- The unit representative may make a statement at the conclusion of the employee's/Fire arson investigator's presentation to the CIRB.
- (7) Critical Incident Review Board Documentation - All documentation, including the CIRB recommendations, will be forwarded to the appropriate Police Chief or Fire Chief for review.
- (8) Out of Policy Use of Force Incidents
- (a) A Fire arson investigator's use of force incident found to be out of policy by the Critical Incident Review Board will be referred to the Fire Chief.
- (b) All employee use of force incidents found to be out of policy by the CIRB will be referred directly to the DRB.
- (i) A memorandum will be sent to the affected employee's bureau/precinct commander/administrator to request:
- The employee's five year discipline and commendation record
 - The employee's PMG

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11. B. (8) (b) (ii) The above items will be sent to the DRB/CIRB coordinator in the Police Chief's office within five working days for inclusion in the DRB package.

12. **DRIVING ANALYSIS COMMITTEE (DAC)**

A. Committee Meetings

- (1) The time and location of the meetings will be announced by the chairperson.
 - (2) The presence of any five members constitutes a quorum for doing business.
 - (3) Representatives of the labor units are not voting members of the DAC; however, they may observe and discuss issues.
 - (4) A Traffic Bureau lieutenant will provide policy guideline assistance.
 - (5) In the event of a tie vote, the deciding vote goes to the DAC chairperson.
- NOTE:** Members will make every effort to reach a consensus on DAC rulings/findings.
- (6) The chairperson may designate one of the other commanders from the committee to serve as chairperson in his/her absence.
 - (7) The DAC will review Department involved traffic collisions, pursuits, and other employee driving incidents that may be of concern.

B. DAC Driving Incident Review Process

- (1) Upon receipt of the traffic collision, pursuit, or driving incident packet by the DAC chairperson or designee, it will be logged in and then forwarded to the Vehicular Crimes Unit (VCU) supervisor for classification:
 - For Review
 - Not for Committee Review (clearly in policy)
- (2) After review by the VCU supervisor, the reports will be returned to the DAC chairperson or designee and the classification will be added to the log.
 - This does not apply to those incidents involving serious injury or death and possible felony prosecution.
- (3) The chairperson will send those reports classified as "Not for Committee Review" to the employees bureau/precinct commander/administrator.
- (4) Reports classified as "For Review", which do not involve possible felony prosecution of the employee, will be reviewed by the DAC, who will deliberate on the following and report its recommendations to the employee's bureau/precinct commander/administrator.
 - The extent of the employee's responsibility
 - Whether or not the traffic collision, pursuit, or driving incident was within Department policy
 - Whether or not the actions and decisions made (outside of policy) resulting in the traffic collision, pursuit, or driving incident were an acceptable deviation from policy



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12. B. (5) Reports involving possible felony prosecution of the employee will be forwarded by the VCU supervisor to the Police Chief via the DAC chairperson.
- The Police Chief will determine whether or not to forward the report to the County Attorney's Office.
 - After the report has been reviewed by the Police Chief and/or the County Attorney, it will be returned to the DAC for review.
- (6) The committee's recommendation for corrective action may consist of one or more of the following:
- Training needs
 - Disciplinary/corrective action
- NOTE:** A supervisory counseling is the minimum corrective action for any out of policy traffic collision unless the option in section 12.B.(10) of this order is allowed.
- In the case of traffic collisions, the issuance of an Arizona Traffic Ticket and Complaint/s (ATTC) is an additional option.
 - No corrective action is necessary
- (7) Factors for Consideration by the DAC
- (a) Mitigating Factors - Employee was involved in direct law enforcement activity which required prompt action, for example:
- During a pursuit
 - Response to a call that justifies a rapid response
 - An on-view situation requiring immediate action
 - Conducting an investigation/surveillance that involves an immediate level of urgency that justifies deviating from driving regulations.
- NOTE:** Mitigating factors require no serious or flagrant violation of law or Departmental policy.
- (b) Non-Mitigating Factors - Employee was not directly involved in law enforcement related activity, for example:
- Driving to or from court
 - Driving to or from meal break
 - Routine patrol (not enforcement related)
 - Routine investigative follow up
- (8) The DAC's Recommendation to Issue an ATTC
- (a) Employees involved in a traffic collision who have committed a violation that caused the collision (absent mitigating circumstances) should normally be cited for the violation.
- (b) The committee may determine mitigating circumstances do exist and the issuance of an ATTC is not appropriate.
- (c) The employee's bureau/precinct commander/administrator will direct a supervisor within the bureau/precinct to issue an ATTC to the employee after a review and endorsement to issue the citation is given.
- If that is not possible, the commander/administrator may request the citation be issued by VCU.



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12. B. (8) (d) If the employee's precinct/bureau commander/administrator disagrees with the DAC recommendation, the matter will be reviewed by the employee's assistant chief.
- (d) If the employee's assistant chief agrees with the DAC's recommendation, the matter will be referred back to the precinct/bureau commander/administrator for appropriate disposition in accordance with the DAC's findings/recommendations.
- (f) If the employee's assistant chief also disagrees with the DAC's recommendation, the matter, along with new information, will be referred back to the DAC.
- The DAC will further review the matter and submit their decision to change, modify, or retain the original recommendation back to the employee's bureau/precinct commander/administrator for appropriate disposition in accordance with the DAC's findings.
- (g) If the employee's bureau/precinct commander/administrator still disagrees with the DAC's recommendation following the second review process, the matter will again be reviewed by the employee's assistant chief.
- (h) If the employee's assistant chief agrees with the DAC's second review recommendation, the matter will be referred back to the bureau/precinct commander/administrator for appropriate disposition in accordance with the DAC's findings/recommendation.
- (i) If the employee's assistant chief also disagrees with the DAC's second review recommendation, the matter will be referred to the Police Chief.
- The Police Chief will review the matter and render a finding that will be final.
 - The matter will then be forwarded back to the employee's bureau/precinct commander/administrator for appropriate disposition in accordance with the Police Chief's decision.
- (j) A copy of the final disposition and any discipline taken in all police vehicle traffic collisions and other investigated driving incidents will be forwarded to the DAC, which will file and maintain the records in the Transportation Bureau.
- (k) Recommendations for training will be forwarded to the driver-training supervisor who will:
- Coordinate appropriate training
 - Ensure a permanent record of all remedial/refreshers driver training received by an employee is maintained
 - Advise the DAC and the employee's bureau/precinct commander/administrator when the training has been satisfactorily completed
- (9) If the DAC sends a case to the DRB for review, the employee, upon request, will receive a copy of the facts supporting the DAC's position.
- (10) As an alternative to discipline in an out of policy City equipment traffic collision, the employee's assistant chief may allow the employee the option of reimbursing the City for a loss caused by the employee's negligence.
- (a) This option only applies to losses of up to \$1,000.
- (b) If the loss incurred by the City is more than \$1,000, the claim will be processed through normal channels.



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12. B. (10) (c) If the employee opts to reimburse the City, documentation of the incident will not be placed in the employee's Department file; a notation will be made in the supervisor notes regarding that employee.

(11) Traffic Collision Review Administrative Documentation:

- The DAC chairperson or designee will collect and store the following data from traffic collision investigative reports that have been reviewed by the committee:

* Employee's name and serial number	* Incident number
* Employee's assignment	* Cause of traffic collision
* Date of traffic collision	* Was the traffic collision preventable
* Time of traffic collision	* Whether or not officer was at fault

(12) Driving Incident Review Administrative Documentation - The DAC is responsible for annually:

- Analyzing data from driving incidents that were reviewed by the committee
- Preparing reports on the trend of driving incidents, including pursuits
- Recommending changes to employee driving training
- Reviewing the vehicle pursuit policy

- C. File Retention - The following filing procedures will be used by bureau/precinct personnel upon receiving notification from the DAC.

(1) In-Policy Pursuits/Driving Incidents/Traffic Collisions	• File finding's memorandum in the employee's division file
(2) Out of Policy Pursuits/Driving Incidents/Traffic Collisions	• File only the board's memorandum of findings, a copy of the suspension notice, written reprimand, or documentation of supervisory counseling in the employee's division file • Document any remedial training given in the employee's supervisory notes • Forward the original Written Reprimand form and backup material to the Fiscal Management Bureau (FMB) records center for placement in the employee's Department file • Forward a memorandum reference action taken regarding the traffic collision/pursuit/driving incident to the Transportation Bureau where it will be combined with the original investigation and retained for five years

13. CIVIL SERVICE BOARDS

- A. When the Civil Service Board orders that a suspension, demotion, or termination must be **overturned**, the original discipline notice and **all** copies will be removed from **all** files by FMB and sent to the City's Human Resources director.

- (1) The Human Resources director will retain all overturned documentation in a separate file.
- (2) The overturned discipline will not be used in any future disciplinary actions or any performance evaluations.

- B. When the Civil Service Board orders a suspension, demotion, or termination must be **modified**, the original discipline notice and **all** copies will be removed from **all** files by FMB and sent to the City's Human Resources director.

- (1) An amended discipline notice will be returned by the Human Resources director for retention in the employee's file/s.
- (2) Only the modified discipline can be used in any future disciplinary actions or any performance evaluations.

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